



**US Army Corps  
of Engineers®**  
New England District

# PUBLIC NOTICE

696 Virginia Road  
Concord, MA 01742-2751

**Date: 27 June 2006**  
**Comment Period Ends: 28 July 2006**  
**File Number: NAE-2006-1539**  
**In Reply Refer To: Brian E. Valiton**  
**Or by e-mail: [brian.e.valiton@usace.army.mil](mailto:brian.e.valiton@usace.army.mil)**

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The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below. The Corps is soliciting comments on both the project itself and the range of issues to be addressed in the environmental documentation.

## APPLICANT

Stone Horse Yacht Club, 2 Harbor Road, Harwich, Massachusetts

## ACTIVITY

To retain and maintain 6 existing moorings, 3 of which are in Wychmere Inner Harbor and the other 3 are in Nantucket Sound (also referred to as Wychmere Outer Harbor) just outside of Wychmere Inner Harbor. A detailed description and plans of the applicant's activity, including the specific coordinates of each of the moorings, are attached.

## WATERWAY AND LOCATION OF THE PROPOSED WORK

As mentioned above, three (3) of the moorings are in Wychmere Harbor and the other three are in Nantucket Sound. The moorings are in Harwich, Massachusetts. The locations are on the USGS Harwich quadrangle sheet at UTM coordinates 4613000.00 N and 0411280.00 E for the Inner Harbor moorings and at approximately UTM coordinates 4612500.00 N and 0411460.00 E for the Outer Harbor (Nantucket Sound) moorings.

## AUTHORITY

Permits are required pursuant to:

☒ Section 10 of the Rivers and Harbors Act of 1899

☐ Section 404 of the Clean Water Act

☐ Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed

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activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all federal agencies to consult with the National Marine Fisheries Service on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The District Engineer has made a preliminary determination that this project will not impact Essential Fish Habitat (EFH) for various species that are known to utilize this area since the moorings consist only of a mushroom anchor imbedded in the harbor bottom and an anchor chain that is suspended in the water column and off of the bottom by a mooring float. Further consultation with the National Marine Fisheries Service regarding EFH conservation recommendations is being conducted and will be concluded prior to the final decision.

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Based on his initial review, the District Engineer has determined that little likelihood exists for the proposed work to impinge upon properties with cultural or Native American significance, or listed in, or eligible for listing in, the National Register of Historic Places. Therefore, no further consideration of the requirements of Section 106 of the National Historic Preservation Act of 1966, as amended, is necessary. This determination is based upon one or more of the following:

- a. The permit area has been extensively modified by previous work.
- b. The permit area has been recently created.
- c. The proposed activity is of limited nature and scope.
- d. Review of the latest published version of the National Register shows that no presence of registered properties listed as being eligible for inclusion therein are in the permit area or general vicinity.
- e. Coordination with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer(s)

Pursuant to the **Endangered Species Act**, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The States of Connecticut, Maine, Massachusetts, New Hampshire and Rhode Island have approved **Coastal Zone Management Programs**. Where applicable the applicant states that any proposed activity will comply with and will be conducted in a manner that is consistent with the approved Coastal Zone Management Program. By this Public Notice, we are requesting the State concurrence or objection to the applicant's consistency statement.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from the local Harbormaster
- ( ) Permit from Local Wetland Agency or Conservation Commission.
- ( ) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

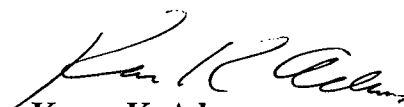
In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact (Brian Valiton) at (978) 318-8166, (800) 343-4789 or (800) 362-4367, if calling from within Massachusetts.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

**THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.**



**Karen K. Adams**  
**Chief, Permits and Enforcement Branch**  
**Regulatory Division**

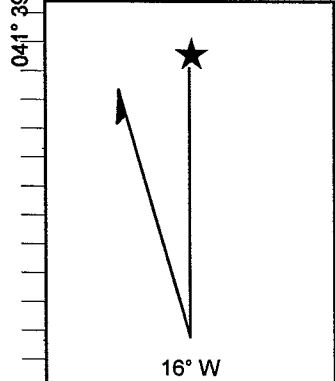
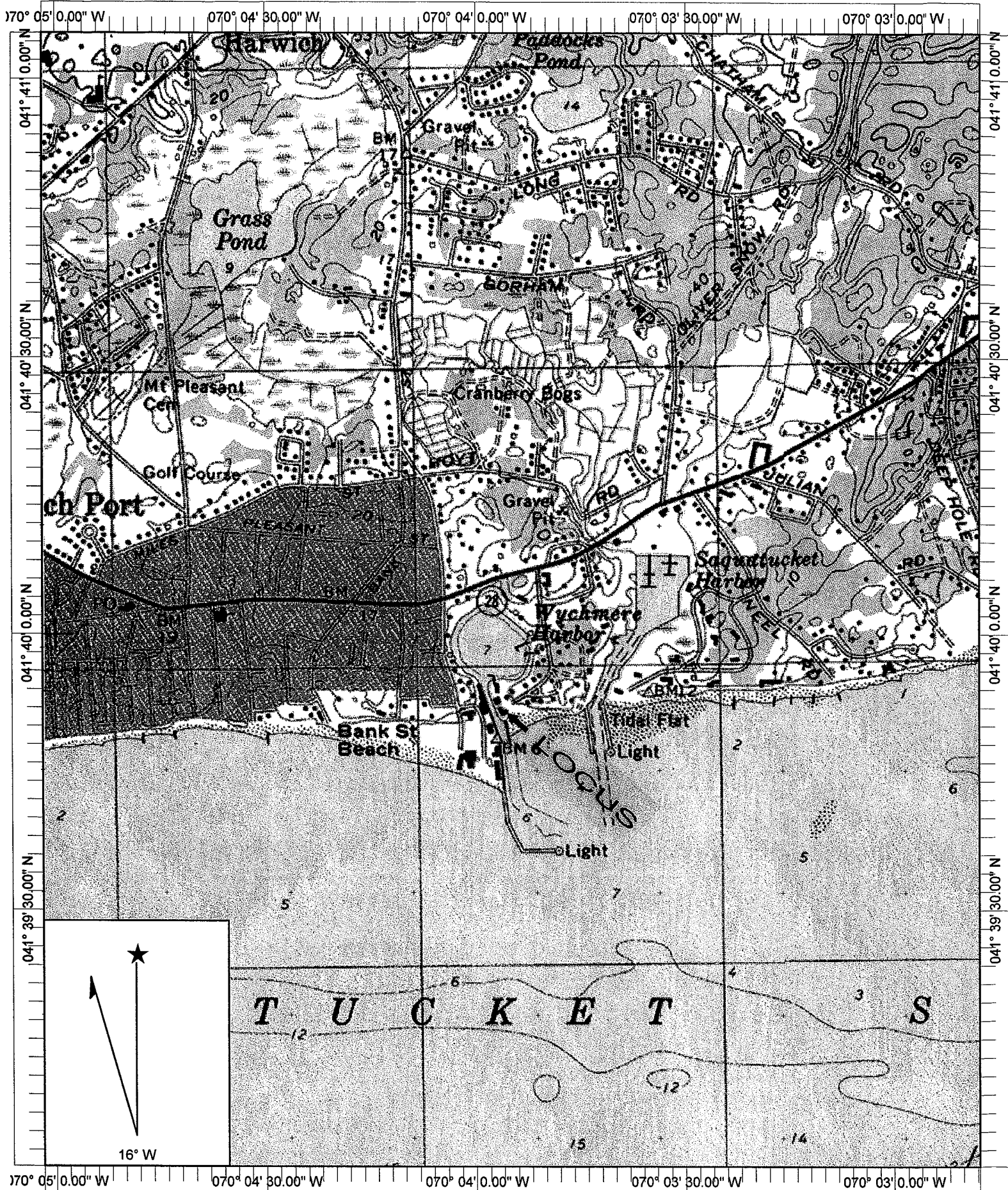
If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at [bettina.m.chaisson@usace.army.mil](mailto:bettina.m.chaisson@usace.army.mil). You may also check here ( ) and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_

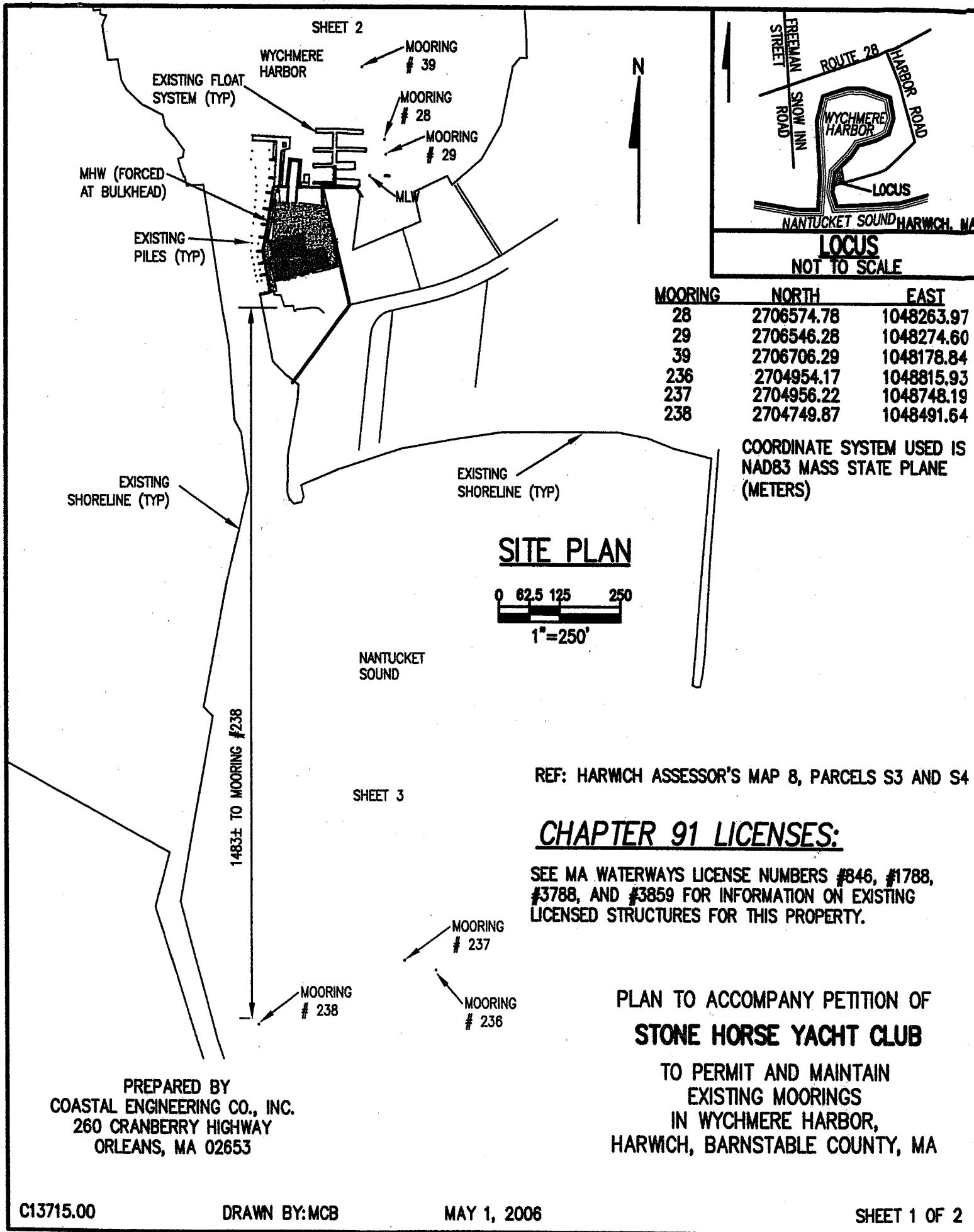
**PROPOSED WORK AND PURPOSE**

The work includes structures in navigable waters for use of the Stone Horse Yacht Club for its own activities. Two of the moorings, numbers 236 and 237, are available to guest boaters to the harbor on a free courtesy basis. The coordinates of the moorings are as follows: # 28, N 2706574.78 E 1048263.97; # 29, N 2706546.28 E 1048274.60; # 39, ; N 2706706.29 E 1048178.84; # 236, N 2704954.17 E 1048815.93; # 237, N 2704956.22 E 1048748.19; # 238, N 2704749.87 E 1048491.64.

The work is described on the enclosed plans entitled "PLAN TO ACCOMPANY PETITION OF STONE HORSE YACHT CLUB TO PERMIT AND MAINTAIN EXISTING MOORINGS IN WYCHMERE HARBOR, HARWICH, BARNSTABLE COUNTY, MA," on 2 sheets with a separate locus sheet, and dated "May 1, 2006."



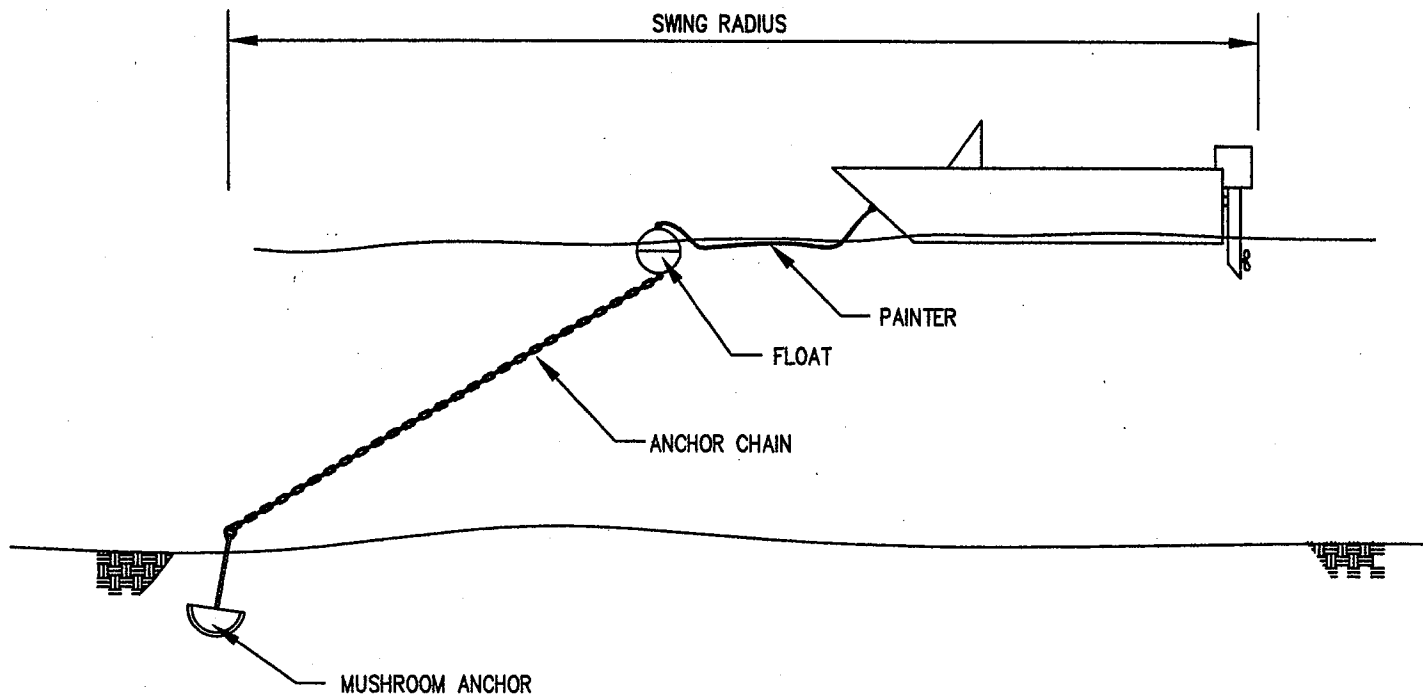
Name: HARWICH Date: 7/12/2005 Scale: 1 inch equals 1333 feet	Location: 041° 40' 03.6" N 070° 03' 54.7" W Caption: C11632\SHYCACOE 2 Harbor Rd. Map 8 Parcel S3
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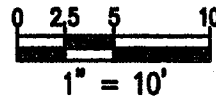
## MOORING SCHEDULE

<u>MOORING SIZE</u>	<u>MOORING TYPE</u>	<u>MOORING NO.</u>	<u>MAX. BOAT LENGTH</u>	<u>SWING RADIUS (FT.)</u>
75 LB	MUSHROOM	28	21	34
75 LB	MUSHROOM	29	20	34
250 LB	MUSHROOM	39	36	50
350 LB	MUSHROOM	236	25	56
300 LB	MUSHROOM	237	20	56
(4)200 LB	MUSHROOM	238	20' x 40'FLOAT	10 Laterally

200 LB MUSHROOM ANCHOR ATTACHED TO EACH CORNER OF FLOAT MOORING



### TYPICAL MOORING CONFIGURATION



PLAN TO ACCOMPANY PETITION OF  
**STONE HORSE YACHT CLUB**

TO PERMIT AND MAINTAIN  
EXISTING MOORINGS  
IN WYCHMERE HARBOR,  
HARWICH, BARNSTABLE COUNTY, MA

PREPARED BY  
COASTAL ENGINEERING CO., INC.  
260 CRANBERRY HIGHWAY  
ORLEANS, MA 02653